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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/626,263	07/24/2003	Stanley T. Mandeltort	30565/38931	9591
4743	7590	02/23/2006	EXAMINER	
MARSHALL, GERSTEIN & BORUN LLP 233 S. WACKER DRIVE, SUITE 6300 SEARS TOWER CHICAGO, IL 60606			GEHMAN, BRYON P	
			ART UNIT	PAPER NUMBER
			3728	

DATE MAILED: 02/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/626,263	Applicant(s) MANDELTORT, STANLEY T.	
	Examiner Bryon P. Gehman	Art Unit 3728	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 December 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-3, 6-9 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yates (2,283,026) in view of Cantrell (4,761,903). Claims 1-9, 11 and 17-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nelson et al. (Figures 2-5) (6,139,210) in view of Cantrell. Yates and Nelson et al. each disclose a storage apparatus for safely storing documents, comprising a first transparent sheet (58; top wall 19 of pocket 16; respectively), a second sheet (63; 34) attached to the first transparent sheet along a seal (61; 32) to define a pocket, the pocket having an open end (opposite 69; opposite 13), an adherent (adhesive; adhesive) between the first and second sheets to define a sealing construction (page 1, right column, lines 3-17; defined by adhesive 32) and an attachment section (69; 13) adapted to mount the storage apparatus within a container in some manner. Cantrell discloses a waterproof storage apparatus for safely storing documents including an adherent securing two opposed sheets to render the storage apparatus waterproof. To modify the storage apparatus of either one of Yates and Nelson et al. employing structure to render it waterproof would have been obvious to protect the content from moisture, as suggested by Cantrell.

As to claims 2 and 3, the disclosed seal of adhesive and material of Cantrell is inherently or expressly water and air tight (see column 4, lines 6-17).

As to claim 4, Nelson et al. disclose heat sealing (column 6, lines 21-34).

As to claims 5 and 18, Nelson et al. disclose the second sheet as the same material as the first sheet (column 5, lines 41-47).

As to claims 6 and 7, each disclose the seal composed of three sides or segments as claimed.

As to claims 8 and 9, the dimensions of the storage apparatus are mere change in size from the prior art, the change in size not being of a patentable significance or rendering any unexpected result.

As to claim 11, Nelson discloses a second seal (at 26, Figure 3).

As to claim 17, Cantrell discloses the adherent being releasable (see column 3, line 66 through column 4, line 5).

3. Claims 21 and 23-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over either one of Yates and Nelson et al. in view of Cantrell. Yates and Nelson et al. each disclose a method of preserving a document comprising inserting the document (photograph) through an open end of and into a pocket (between 63 and 67; between 14 and 16) formed by a seal between two sheets (63, 67; 14, 16), at least one of the sheets being transparent, sealing the open end with the document inside, and disposing the two sheets in a document container (Figures 1 and 2; described album, see Figure 11). Cantrell discloses a waterproof storage apparatus for safely storing documents including an adherent securing two opposed sheets to render the storage apparatus waterproof. To modify the storage apparatus of either one of Yates and Nelson et al.

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employing structure to render it waterproof would have been obvious to protect the content from moisture, as suggested by Cantrell.

As to claim 23, Yates and Nelson et al. each disclose holes (69; as shown) for receiving the sheets in a loose leaf binder by inserting rings (39; as in Figure 11).

4. Claims 10, 22 and 30-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over the art as applied to claims 3 and 21 above, and further in view of Rappaport et al. (2002/0116854). Rappaport et al. disclose a storage apparatus for a photograph including a releasable tape (column 3, line 55 through column 4, line 3) covering an adhesive. To modify the prior art further employing a releasable tape as disclosed by Rappaport et al. would have been obvious in order to protect the adhesive prior to use, as suggested by Rappaport et al..

5. Claims 19-20, 26-27, 29 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over the art as applied to claims 3, 24 and 30 above, and further in view of Platt (3,279,331). Platt discloses a dual sided tape (3), with the one side having a permanent adhesive and the other a releasable adhesive. To modify the adherent structure of the prior art further employing the dual sided tape structure of Platt would have been obvious in order to provide an easily manually applied reusable adherent structure, as suggested by Platt.

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6. Claims 19-20, 26-29 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over the art as applied to claims 3, 24 and 30 above, and further in view of Holcomb et al. (4,838,708). Holcomb et al. disclose a dual sided tape covered by a releasable tape (50) with permanent and releasable adhesives or both releasable adhesives (see column 3, line 62 through column 5, line 42). To modify the adherent structure of the prior art further employing the dual sided tape structure of Holcomb et al. would have been obvious in order to provide an easily manually applied reusable adherent structure, as suggested by Holcomb et al..

7. Applicant's arguments with respect to claims 1-33 have been considered but are moot in view of the new ground(s) of rejection. The seals provided by the prior art to Yates and Nelson et al. are intended to seal the content from the atmosphere to a degree. For that degree of protection to extend to a waterproof and airtight arrangement is rendered obvious by further consideration of Cantrell. To provide a watertight seal and airtight seal in a laminated document storage apparatus was well within the capability of one of ordinary skill in the art as suggested by Cantrell and to do so in the particular laminate arrangement of Yates or Nelson et al. would have been obvious in order to derive a water and air resistant arrangement.

8. This action is made non-final in view of the new grounds of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bryon P. Gehman whose telephone number is (571) 272-4555. The examiner can normally be reached on Monday through Wednesday from 5:30am to 6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mickey Yu, can be reached on (571) 272-4562. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Bryon P. Gehman
Primary Examiner
Art Unit 3728

BPG